

Arrears of Rent (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PART I.

Settlement of Arrears of Rent.

Clause.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Make provision respecting certain Arrears of Rent in
Ireland.

A.D. 1882.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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PART I.

Settlement of Arrears of Rent.

L. (1.) In the case of any holding to which the Land Law (Ireland) Act, 1881, applies, and which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than thirty pounds a year, if on the application of either the landlord or the tenant of such holding the following circumstances (in this Act referred to as preliminary conditions) are proved to the satisfaction of the Irish Land Commission, namely,—

- 10 (a.) That the rent payable in respect of the year of the tenancy expiring on the last gale day of the tenancy in the year one thousand eight hundred and eighty-one (which year of the tenancy is in this Act referred to as "the year expiring as aforesaid") has been satisfied; and
- 15 (b.) That antecedent arrears of rent are due to the landlord; and
- 20 (c.) That the tenant is unable to discharge such antecedent arrears,

the Irish Land Commission (in this Act referred to as the Land Commission) may make an order for the payment to or for the benefit of the landlord of a sum equal to one half of such antecedent arrears, subject to the limitation that the sum so paid shall not exceed the yearly rent payable in respect of the holding

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Settlement
by Land
Commission
of arrears of
rent.

A.D. 1882. for the year of the tenancy next preceding the year expiring as aforesaid.

(2.) On such order for payment to or for the benefit of the landlord being made by the Land Commission, all such antecedent arrears of rent shall be released and extinguished.

(3.) All payments on account of rent made by the tenant to the landlord in or subsequent to the year expiring as aforesaid, shall be deemed to have been made on account of the rent payable in respect of that year, to the extent to which the rent for that year had at the time of such payment accrued due, provided that where it appears that according to the ordinary course of dealing between the landlord and tenant of a holding, the rent of such holding has usually been paid on some day after the day on which it became legally due, the usual day of payment shall be deemed for the purposes of this section to be the time at which the rent accrued due.

(4.) A remission by the landlord of the whole or any part of the rent payable in respect of the year expiring as aforesaid shall be deemed to be a satisfaction of the amount of rent so remitted.

(5.) The Land Commission if satisfied on the occasion of any application made under this Act that it is just so to do, may authorise the tenant to make to the Land Commission any payments on account of the rent payable in respect of the year of the tenancy expiring as aforesaid which the tenant might otherwise have made to the landlord, and such payment shall for the purposes of this Act be deemed to have been made to the landlord, and the Land Commission shall cause any sum so paid by the tenant to be paid to the person appearing to such Commission to be entitled thereto as landlord.

(6.) Any money payable under this Act by the Land Commission to the landlord shall be paid to the person entitled as landlord without cost, except so far as may be caused by disputed title or by the person so entitled failing to comply with the rules for the time being in force relating to the payment of such money.

Modification
in case of
evicted
tenant when
restored to
holding.

2. Any tenant evicted from his holding for nonpayment of rent may, if his landlord agrees to reinstate him, apply during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted.

Any tenant evicted for nonpayment of rent whom the landlord does not agree to reinstate, but who is entitled to apply for a writ of restitution in pursuance of the seventy-first section of the Landlord and Tenant Law Amendment Act (Ireland), 1880, may apply during the time limited for applications under this Act to the Land

Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted, and on an application being made to the court having cognizance of the case for a writ of restitution, that court shall deal with the case as if the tenant had paid all arrears of rent up to the last gale day in the year expiring as aforesaid, but otherwise shall proceed in manner directed by the said Act of 1880:

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Provided that an order of the Land Commission under this section shall not take effect until and unless the tenant is restored to his holding.

3. This Act shall apply to holdings subject to existing leases within the meaning of section twenty-one of the Land Law (Ireland) Act, 1881, in like manner as it applies to any other holding.

Application
of Act to
existing
leases.
44 & 45 Vict.
c. 49.

PART II.

15 *Supplemental Provisions.*

4. For the purposes of this Act the Land Commission may exercise all powers vested in them for the purpose of the execution of the Land Law (Ireland) Act, 1881, and shall have full jurisdiction to hear and determine all matters, whether of law or fact, that may be required to be determined by them for the purposes of this Act, and in particular they may determine, in the case of any holding, who is to be dealt with as tenant, and who is to be dealt with as landlord, for the purposes of this Act, and they shall have power to retain in their hands any moneys which may be payable to a landlord until they have decided to whom such moneys are legally payable, and they shall in respect of such moneys have all the powers vested in the court by the thirty-seventh section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the distribution of purchase moneys, in the same manner as if the moneys so payable to the landlord were purchase moneys.

Powers of
Land Com-
mission.

The Land Commission shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

5. The Land Commission may from time to time by rule under this Act or by any special order delegate, subject to such appeal (if any) to the Land Commission as may be prescribed, any power or duty under this Act, except the power of making rules, to the Civil Bill Court or to any Sub-Commission, or any member of the Land

Delegation
of powers of
Land Com-
mission.
44 & 45 Vict.
c. 49.

A.D. 1882. Commission or of a Sub-Commission, and in the construction of this Act the expression "Land Commission" shall be deemed for the purpose of such delegation to include the Court, Sub-Commission, or member of the Land Commission or of a Sub-Commission to whom such power or duty is so delegated.

The Land Commission may, from time to time, with the assent of the Treasury appoint fit persons to investigate and report as to the existence or non-existence in the case of holdings of the preliminary conditions required to be proved for the purpose of orders under this Act and as to the values of such holdings, and the Land Commission or Civil Bill Court, or any Sub-Commission, or any member of the Land Commission, or of any Sub-Commission dealing with an application under this Act as respects any holding, may adopt any such report, or any part thereof, as may seem expedient, and may from time to time direct a fresh investigation to take place, or may themselves or himself take evidence in respect of the subject matter of such investigation.

Any person or persons appointed in pursuance of this section may for the purposes of the investigation administer an oath.

Incorporated provisions of Landlord and Tenant (Ireland) Act, 1870.

6. In the case of any persons interested in any matter arising under this Act, the provisions of sections fifty-nine, sixty, and sixty-one of the Landlord and Tenant (Ireland) Act, 1870, as to administration on the death of a tenant, and as to provision for married women, and as to provision for other persons under disability, shall apply to any proceedings under this Act in the same manner as if the said sections were herein enacted, and in terms made applicable to this Act.

Rules for carrying Act into effect.

7. The Land Commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them:

- (1.) The tribunal, whether Land Commission, civil bill court, sub-commission, or member of the Land Commission or a sub-commission by which such applications are to be heard:
- (2.) The mode of making applications under this Act, and the conduct of proceedings before any tribunal hearing applications under this Act:
- (3.) The conditions and circumstances on and in which appeals may be had to the Land Commission where applications have not been heard by the Land Commission:
- (4.) The mode in which the expenses of hearing any application under this Act or of any appeal are to be defrayed:

(5.) The attendance and discharge of duties by the officers of the civil bill courts before the Land Commission and sub-commissions when holding sittings under this Act: A.D. 1892.

(6.) The service of notices on persons interested, and any other matter by this Act directed to be prescribed:

(7.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the Land Commission expedient to make rules for the purpose of carrying this Act into effect.

Any rules made in pursuance of this section shall be of the same force as if enacted in this Act, and shall be judicially noticed.

8. If in any proceeding under this Act any person concerned in such proceeding as principal or agent, with intent to substantiate a false claim to receive any money from the Land Commission, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, or produces or is privy to the production of any false evidence, the person so offending shall be guilty of a misdemeanour, and upon conviction shall be liable, in the discretion of the court, either to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine not exceeding five hundred pounds. Punishment of fraudulent claim.

Any sum paid by the Land Commission in respect of any false claim shall be a debt due to the Crown from the person to whom it is paid.

9. Any liabilities incurred by the Land Commission on account of payments to landlords in respect of arrears of rent under this Act shall be primarily a charge on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as may hereafter be provided by Parliament. Charge of liabilities under Act on Irish Church Temporalities Fund and Consolidated Fund.

The Irish Church Temporalities Fund means the fund under the control of the Land Commission under the provisions of the Irish Church Act Amendment Act, 1881.

10. The expression "landlord" in relation to a holding means, for the purposes of this Act, any person for the time being entitled to receive the rents and profits of such holding. Definition of landlord.

11. An application under this Act shall not be made by any landlord or tenant after the last day of February one thousand eight hundred and eighty-three, except by leave of the Land Commission, and in no case after the thirtieth day of June one thousand eight hundred and eighty-three, and the Land Commission shall grant such leave only in cases where it is proved to their satisfaction that injustice would be done in case leave were refused. Limit of time.

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Exclusion of
tenants of
holdings of
an aggregate
valuation
exceeding
thirty
pounds.

12. An order under this Act shall not be made in the case of a holding the tenant of which is possessed of two or more holdings in Ireland to which the Land Law (Ireland) Act, 1881, applies, and the valuation of which under the Acts relating to the valuation of rateable property in Ireland amounts in the whole to more than 5 thirty pounds a year.

And the question as to whether the tenant of any holding in respect of which an application may be made under this Act is or is not possessed of such holdings as are in this section in that behalf mentioned may be investigated and reported on by any 10 person appointed under this Act to investigate and report on the preliminary conditions for an order under this Act.

Cancellation
of certain
rentcharges
under
44 & 45 Vict.
c. 49, s. 39
in repayment
of advances
for arrears of
rent.

13. Whereas by section fifty-nine of the Land Law (Ireland) Act, 1881, it is provided, that where it appeared to the Civil Bill Court, on the joint application made before the twenty-eighth day of 15 February one thousand eight hundred and eighty-two, of the landlord and tenant of any holding valued at a sum not exceeding thirty pounds a year, that the tenant had paid the whole of the rent payable in respect of the year of the tenancy expiring on the gale day next before the twenty-second day of August one thousand 20 eight hundred and eighty-one, and that antecedent arrears were due, the Land Commission might make in respect of such antecedent arrears an advance of a sum not exceeding one year's rent of the holding and not exceeding half the antecedent arrears, and thereupon the Civil Bill Court should by order declare the holding to 25 be charged with the repayment to the Land Commission of the said advance by a rentcharge payable and calculated as in the said section mentioned ;

And whereas in pursuance of the said section divers advances have been made in respect of the arrears of rent on divers holdings, 30 and such holdings have been charged with the repayment of the said advances by such rentcharges as in the said section mentioned, and it is expedient to amend the said section, be it therefore enacted as follows :

Where in pursuance of section fifty-nine of the Land Law 35 (Ireland) Act, 1881, an advance has been made, before the passing of this Act, towards the payment of the arrears due in respect of any holding, and a rentcharge has been charged on such holding for the repayment of such advance, the Land Commission, if it is proved to their satisfaction on the application of either the landlord 40 or the tenant of the holding, that the tenant was at the date of the

said advance being made unable to discharge the arrears in respect of which the advance was made may by order cancel the said rent-charge, and the same shall cease to be payable, whether by the landlord or the tenant, as from the last day appointed for payment
5 of the same next before the date of the order and the amount of the said advance shall be a charge on the Irish Church Temporalities Fund.

A.D. 1882.

14. This Act may be cited for all purposes as the Arrears of Rent (Ireland) Act, 1882.

Short Title
of Act.

**Arrears of Rent
(Ireland).**

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[AS AMENDED BY PARLIAMENT]

To make provision respecting arrears
of Rent in Ireland.

*(Prepared and brought in by
Mr. Gladstone, Mr. Secretary Gladstone,
Mr. Attorney-General for Ireland, and
Mr. Solicitor-General for Ireland.)*

*Oxford, by the House of Commons, to be Printed,
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